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OFFICE OF PETITIONS

In re Application of :
Christian Stig RODE :
Application No. 09/287,478 : **DECISION ON PETITION**
Filed: April 06, 1999 :
Attorney Docket No. RCI001V1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 19, 2008, to revive the above-identified application.


The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file a complete and proper appeal brief within the time period provided in 37 CFR 41.37(a)(1). As a complete and proper appeal brief was not filed within one (1) month of the Notification of Non-Compliance with 37 CFR 41.37(c)(1), mailed July 16, 2007, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on August 17, 2007. See MPEP 1215.04.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of amended appeal brief; (2) the petition fee of \$770.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-compliance notice of July 16, 2007 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

The application file is being referred to Technology Center AU 2882 for appropriate action on the concurrently filed amended appeal brief.


Michelle R. Eason
Paralegal Specialist
Office of Petitions